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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of

Telephone Number Portability

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CC Docket No. 95-116
RM 8535

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REPLY COMMENTS OF NEXTEL COMMUNICATIONS, INC.

NEXTEL COMMUNICATIONS, INC.

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Date: October 12, 1995

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I. INTRODUCTION

Pursuant to the Federal Communications Commission's ("Commission") July 13, 1995 Notice of Proposed Rule Making ("NPRM"),^{1/} Nextel Communications, Inc. ("Nextel") hereby respectfully submits these Reply Comments in the above-referenced proceeding. Numerous parties, including Nextel, filed Comments on September 12, 1995.

Nextel supports number portability -- particularly service provider portability -- to increase competition among telecommunications service providers. A number of commenters agree with this conclusion and support the implementation of number portability solutions. A significant number of commenters also agree that specific number portability solutions should be left to an industry committee and should not be mandated by the Commission.

Number portability is important to enhancing competition in both the wireless and wireline telecommunications marketplaces. The Commission, therefore, should establish guidelines for the industry to follow in developing technical standards. This should

^{1/} Notice of Proposed Rule Making, FCC 95-284, released July 13, 1995.

include ensuring that number portability is implemented on a consistent, non-discriminatory basis throughout the Nation.

II. BACKGROUND

Nextel is the largest provider of wide-area and traditional Specialized Mobile Radio ("SMR") services in the Nation. Nextel recently completed a merger with OneComm Corporation, a leading provider of wide-area SMR services in the Pacific Northwest and Rocky Mountain states; Nextel acquired Motorola, Inc.'s 800 MHz SMR licenses; and Nextel received a multi-million dollar investment from the Craig O. McCaw family. Each of these transactions will advance Nextel's plan to expeditiously implement nationwide wide-area SMR service for the mobile workforce. As a new entrant nationwide wireless telecommunications provider, Nextel has been an active participant in the Commission's numbering proceedings, i.e., North American Numbering Plan ("NANP") administration, 500 Service Access Codes ("SACs"), individual NANP code exhaust proceedings, and now telephone number portability.

III. DISCUSSION

A. Telephone Number Portability Is In The Public Interest

Nextel and several other commenters supported the Commission's conclusion that telephone number portability is in the public interest.^{2/} Telephone number portability will help increase competition in both the wireline and wireless marketplaces; it will

^{2/} See, e.g., Comments of Nextel at 3; Cellular Telecommunications Industry Association ("CTIA") at 4; The Ericsson Corporation ("Ericsson") at 1; Go Communications, Inc. at 1-2; MCI Telecommunications Corporation and MCImetro ("MCI") at 24; and Teleport Communications Group, Inc. ("TCG") at 3.

be particularly beneficial to creating competition in the local wireline marketplace. Most important to promoting increased competition is "service provider portability,"^{3/} the ability to change service providers, i.e., change to a competing provider, without changing telephone numbers.^{4/}

Service provider portability facilitates the ability of new providers to entice consumers away from their existing service providers by enabling them to keep their telephone number, thereby eliminating an existing entry barrier. Location portability, on the other hand, adds significant complexity and expense to the solution, and, more importantly, it can already be accomplished through the use of 500 SACs.^{5/}

^{3/} The Commission defined three types of number portability in the NPRM: service, service provider, and location. Service portability allows a customer to change its package of services with the existing provider without changing its telephone number. Service provider portability allows the customer to change its service provider in a given geographic area without changing its telephone number. Location portability allows a customer to change geographic locations -- locally, regionally, or nationally -- without changing its telephone number.

^{4/} See, e.g., Comments of Ad Hoc Coalition of Competitive Carriers ("The Competitive Carriers") at 8; Bell Atlantic at 17-19; MCI at 2-3, 22; NYNEX Telephone Companies ("NYNEX") at 18; The Pacific Companies ("Pacific") at 2, 11; SBC Communications, Inc. ("SBC") at 10; TCG at 4-5; and Time Warner Communications Holdings, Inc. ("Time Warner") at 4.

^{5/} Nextel, however, supports a limited use of location portability that would allow customers to move from one part of a local area to another without changing telephone numbers. This could be competitively beneficial, and it would more fully meet customers' needs by providing location portability on a local (e.g., metropolitan area) level by permitting customers to move "across town" without having to change their telephone numbers (whether or not they changed service providers).

B. The Commission Should Establish Guidelines For The Industry To Follow In Developing A Long-Term Number Portability Solution

A significant number of commenters agreed that, given the complexity of deriving a telephone number portability solution, the Commission should not dictate a solution; rather, it should allow the industry to develop a solution through an industry-wide task force.^{6/} The California Public Utilities Commission ("CPUC") pointed out that it has allowed the industry to study and develop the most appropriate telephone number portability solutions in California.^{7/}

The Commission's role in developing telephone number portability solutions should be to establish a framework for industry-developed solutions that includes the following guidelines:

- (1) the number portability solution must encompass all segments of the telecommunications industry -- both wireline and wireless;
- (2) the ultimate long-term solution must be phased in rather than flash-cut throughout the nation;
- (3) the solution must conserve limited NANP resources;

^{6/} See, e.g., Comments of Ameritech at 3-4; AT&T at 36; Bell Atlantic NYNEX Mobile ("BANM") at 4; Bell Atlantic at 3; CTIA at 10; Ericsson at 2; Pacific at 12; Personal Communications Industry Association ("PCIA") at 4; SBC at 2; Sprint Corporation ("Sprint") at 14; and Telecommunications Resellers Association at 10.

^{7/} Comments of CPUC at 7.

- (4) the solution must avoid the creation of a "monopoly" that allows only one industry, industry segment, or provider to control number portability among carriers;
- (5) the solution cannot result in the degradation of any existing services or features; and
- (6) the solution must consider and account for the differences between the wireline and wireless industries.

The Commission's oversight role is critical to the proper implementation of a long-term number portability solution because it will help ensure not only a fair and equitable policy but also a consistent, uniform policy throughout the Nation.^{8/} Until the Commission has established this framework and promulgated the appropriate guidelines, however, it should not establish any time frame for portability implementation. When the industry has determined the most efficient and effective solution for number portability, the Commission should determine the amount of time that will be necessary for implementation.

C. The Commission Must Recognize The Special Complexities Of Accomplishing Number Portability In The Wireless Industry

As several commenters pointed out, the technological differences between the wireline and wireless industries are significant.^{9/} In the wireline market, every provider offers its services using the same technological platform, simplifying the

^{8/} See, e.g., Comments of The Competitive Carriers at 8; BANM at 5; Bell Atlantic at 9; PCIA at 6; Sprint at 11; and TCG at 8.

^{9/} See, e.g., Comments of BANM at 4; CTIA at 4; Pacific at 8; and SBC at 10.

development of number portability. The wireless industry, on the other hand, operates under no singular technology standard or signalling protocol.^{10/} Therefore, there are specific complications presented by the wireless industry that are not an issue in developing a long-term solution for wireline number portability.

Nonetheless, it is imperative that any long-term number portability framework provides portability among all industry participants -- both wireline and wireless. The ability to make numbers portable for customers cannot be limited only to the wireline industry.^{11/} Any number portability solution must treat all segments of the industry in a nondiscriminatory fashion, thus avoiding any monopolization of number portability services and the potential for a non-level playing field between wireline and wireless services.

^{10/} Wireless providers use differing air interfaces and technology platforms, e.g., IS-41, GSM, etc., which lack common signalling protocols. This is a direct result of the Commission's effort to encourage development of diverse competitive services employing various technologies offering consumers different combinations of services, price and quality. See Third Report and Order, GN Docket No. 93-252, 9 FCC Rcd 7988 (1994) ("we are striving to establish a regulatory framework that promotes competition and technological innovation in the wireless marketplace.").

^{11/} Nextel does not agree with commenters who assert that number portability is not as important to wireless customers as it is to wireline customers, or that it should be considered in a separate proceeding. See Comments of CTIA at 8-9; see also Comments of BANM at 1. There are different technical challenges for achieving number portability for wireline and wireless carriers; nonetheless, number portability should be available to all customer -- wireline and wireless -- if it is made available to any.

IV. CONCLUSION

Developing solutions to long-term number portability should be left to the industry itself. The Commission should establish an industry-wide mechanism, seek input from industry representatives, and permit the industry to develop a fair and equitable number portability solution which encompasses all segments of the telecommunications industry. Overseen by the Commission, an industry-derived telephone number portability solution would provide a uniform, consistent portability policy throughout the Nation. Long-term number portability -- particularly service provider portability -- will increase competition as it reduces barriers to entry into the telecommunications marketplace. As a

result, new competitors will more easily enter the market and provide consumers a greater variety of services at more competitive prices.

Respectfully submitted,
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Date: October 12, 1995

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 12th day of October 1995,
I caused a copy of the attached Reply Comments of Nextel Communications, Inc. to
be served by hand delivery to the following:

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